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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 160 /2002

PETITIONERS : 1) Umesh Chandra Singh
S/o Shri S.B. Singh,
Aged about 42 years
presently working as Select Grade
Sub-Engineer in the Office of the
E.E., Barnai Canal Division
Ambikapur
R/o G-5, Irrigation Colony,
Near Pratappur Naka, Ambikapur.

2) Vishnukant Pandey
S/o Shri Ramnaresh Pandey
Aged about 41 years,
Presently working as Select Grade
Sub-Engineer in the office of the
E.E., Water Resources Dn.3,
Ambikapur
R/o G-4, Irrigation Colony,
Near Main Drive, Ambikapur.

P.R. No. 15752
Presented by Shri ...
dated ... 16/4/02

3) Suresh Kumar Chadar
S/o Shri Hardas Chadar,
Aged about 49 years
Presently working as Select Grade
Sub-Engineer in the office of the
E.E., Water Resources Deptt.
Division Marwahi, Distt.Bilaspur
R/o G- , Irrigation Colony,
Near Pratappur Naka, Ambikapur.

4) Rajiv Deshmukh S/o K.T.Deshmukh,
Aged about 43 years,
presently working as Select Grade
Sub-Engineer in the office of the
E.E., W.R.D.No.1, Ambikapur
R/o Behind Pashu Hospital,
Bouripara, Ambikapur.

5) Baldeu Ram Chandrakar
S/o Shri Gajari Ram Chandrakar,
Aged about 44 years,
presently working as Select Grade
Sub-Engineer in the office of the
EE., Barnai Canal Divn. Ambikapur
R/o Village: Bhothali,
PO: Charmudiya Kurud,
Dist. Dhamtari.

6) Mohammed Sakir Ali
S/o Shri J. Khan,
Aged about 43 years
presently working as Select Grade
Sub-Engineer in the office of the
E.E., Water Resources Dn.No.1,
Ambikapur,
R/o H-3, Irrigation Colony,
Banaras Road Gandhi Nagar,
Ambikapur.

7) Arun Kumar Tiwari
S/o Shri Ramanuj Pd.Tiwari,
Aged about 40 years,
presently working as Select Grade
Sub-Engineer in the office of the
E.E., Barnai Canal Divn.,
Ambikapur; R/o H-2, Irrigation
Colony, Banaras Rd, Gandhi Nagar

8) Pankaj Kumar Vyas S/o S.R. Vyas,
Aged about 43 years
presently working as Select Grade
Sub-Engineer in the office of the
E.E.,Water Resources Divn.1,
Ambikapur
R/o 'I'-12,Irrigation Colony,
Banaras Road, Gandhi Nagar,
Ambikapur.

9) Raghuvir Prasad Vishwakarma
S/o Shri Narmada Pd.Vishwakarma,
Aged about 44 years,
presently working as
Assistant Engineer in the office
of the E.E.,Barnai Canal Division
Ambikapur; R/o G-1, Irrigation
Colony, Near Marin Drive School,
Ambikapur.

10) Bhagwandas Vishwakrma
S/o Shri Har Prasad Vishwakarma
Aged about 43 years
presently working as Select Grade
Sub-Engineer in the office of the
E.E., Water Resources Division No2
Ambikapur, R/o G-3, Irrigation
Colony, Near Marin Drive ,
Ambikapur.

11) Ashok Kumar Nayak S/o B.D. Nayak,
Aged about 42 years
presently working as Select Grade
Sub-Engineer in the office of the
E.E., Water Resources Dn.No.2,
Ambikapur;
R/o Shivdhari Colony,Pratappur
Naka, Ambikapur.

12) Hemraj Bagade
S/o Shri Natthuji Bagade,
aged about 49 years,
presently working as Select Grade
Sub-Engineer in the office of the
E.E.,Water Resources Dn.No.1,
Ambikapur; R/o Nagdone Colony,
(Talapara) Byapar Vihar Road,
Bilaspur.

13) Bhajanlal Gupta S/o Ramprasad Gupt
aged about 56 years
presently working as Select Grade
Sub-Engineer in the office of the
E.E., Barnai Canal Divn.,Ambikapur
R/o H-4, Banki Project Colony,
Gundudehari, Ambikapur.

14) Ashok Kumar Trivedi
S/o Shri Ishwardeen Trivedi,
aged about 56 years
presently wokking as Select Grade
Sub-Engineer in the office of the
E.E.,Barnai Canal Division,
Ambikapur; R/o Near Chandani Chowk
Kharbar Road, Mayapur,Ambikapur.

15) Ramjee Pateriya
S/o Shri Nanhulal Pateriya,
aged about 43 years
presently wokking as Select Grade

Sub-Engineer in the office of the E.E.g Barnai Canal Divn.Ambikapur R/o Near Chandani Chowk,Kharbar Road, Mayapara,Ambikapur.

16) Gajendra Singh Chandel
S/o Late Shri Dalchand Chandel,
aged about 44 years
presently working as Select Grade Sub-Engineer in the office of the Water Resources Divn.No.5, Ambikapur; R/o Behind Aman Petrol Pump, Manendragarh Road, Ambikapur.

17) Jagannath Prasad Namdeo
S/o Late Shri Bhola Prasad Namdeo
Aged about 46 years
presently working as Select Grade Sub-Engineer in the office of the E.E.,Water Resources Division,Kota R/o Ameri Road, Near Elec.Sub-Station, beside Dr.Vaidh, Nehru Nagar, Bilaspur.

18) Rashid Ahmed Khan S/o F.M.Khan,
Aged about 43 years
presently working as Select Grade Sub-Engineer in the office of the E.E., Water Resources Deivn.,Kota R/o House of Dr. Datta, Near Taj Masjid, Talapara Road, Jarahabhata, Bilaspur.

VERSUS

RESPONDENTS : 1) State of Chhattisgarh
Through the Secretary,
Water Resources Department,
D.K.S.Bhawan, Raipur (CG).

2) The Engineer-in-Chief,
Water Resources Department,
Raipur (CG).

3) State of Madhya Pradesh
Through the Secretary,
Water Resources Department,
Vallabh Bhawan, Bhopal (MP).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1) Particulars of Petitioner

As mentioned in cause title above.

2) Particulars of Respondent

As mentioned in cause title above.

3) Particulars of order against which the petition

(63)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 160 of 2002

Petitioners : Umesh Chandra & others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Pankaj Shrivastava, counsel for the petitioners.

Shri Alok Bakshi, Government Advocate for the respondents/State.

ORAL ORDER

(20th February, 2006)

1. Learned counsel for the petitioner submits that the petitioners were appointed as Diploma Civil Engineers in the Water Resources Department on various dates as follows :-

Sr. No.	Name of the petitioner	Joining date	Seniority No. in Gradation List of yr. 92	Seniority No. in Gradation list of yr. 91
1.	Umesh Chandra Singh	31.12.79	5127	5136
2.	Vishnukant Pandey	29.01.81	5848	5923
3.	Suresh Kumar Chadar	24.01.76	3058	2972
4.	Rajiv Deshmukh	27.12.79	5017	5022
5.	Baldeuram Chandrakar	23.03.79	4254	4241
6.	Md. Sakir Ali	24.07.80	5478	5498
7.	Arun Kumar Tiwari	25.08.80	5545	5571
8.	Pankaj Kumar Vyas	17.09.80	5497	5517
9.	Raghuvir Pd. Vishwakarma	18.12.79	4750	4747
10.	Bhagwandas Vishwakarma	27.08.80	5594-A (Provisional)	5627-A (Provisional)
11.	Ashok Kumar Nayak	26.12.79	4847	4849
12.	Hemraj Badge	05.01.76	3037-A	2992
13.	Bhajanlal Gupta	12.06.70	1690	1612
14.	Ashok Kumar Trivedi	28.12.79	5043	5049
15.	Ramjee Pateriya	31.03.79	4280	4269
16.	Gajendra Singh Chandel	16.03.79	4043	4031
17.	Jagannath Pd. Namdeo	03.06.77	3313	3263
18.	Rashid Ahmad Khan	20.03.79	4320	4311

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2. According to learned counsel for the petitioners, the petitioners are senior to the persons, who have been promoted as Assistant Engineers w.e.f. 11.6.1992. Other similarly situated officers, who were also Diploma Sub Engineers, filed Original Application being O.A. No. 424/1990 before the Madhya Pradesh Administrative Tribunal, Bhopal Bench. Learned Administrative Tribunal by its judgment and order dated 15.12.1999 declared the applicant in Original Application as senior to the private respondents on the post of Overseer/Sub Engineers. Consequently, the respondents were directed to restore the seniority of the applicant on the post of the Overseer/Sub Engineer and place them above the private respondents. It was further directed to give them all the consequential benefits of promotion etc. on the higher post.

3. In the present case, the petitioners have been placed below the Overseer/Sub Engineers. Subsequently, some other similarly situated Sub Engineers have also approached the Madhya Pradesh Administrative Tribunal and they were granted the same relief.

4. The State Government by its order dated 24.8.1999 (Annexure A/5) decided not to file any petition/appeal against the order dated 15.2.1999 passed by the M.P. Administrative Tribunal in O.A. No. 424/1990 and as such the order dated 15.2.1999 passed in O.A. No. 424/1990 has attained the finality. The petitioners are claiming the similar relief, which have been granted to other similarly situated Sub Engineers pursuant to the order dated 15.2.1999 passed by the Madhya Pradesh Administrative Tribunal.

5. Shri Alok Bakshi, learned counsel appearing for the respondents No. 1 and 2 submits that the order dated 15.2.1999 passed by the Madhya Pradesh Administrative Tribunal in O.A. No. 424/1990 is clear and it has considered all the aspects while holding that the Sub

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Engineers be treated as seniors to the Overseer/Sub Engineers. Learned counsel further submits that the Government has decided not to challenge the order in superior courts.

6. In view of the admitted facts, the State Government ought to have considered cases of the petitioners also on the same line as other similarly situated persons, who have gone to the Madhya Pradesh Administrative Tribunal, have been considered. It appears that the claim of the petitioners have been ignored on the ground that the petitioners have not approached the Madhya Pradesh Administrative Tribunal/High Court.

7. For the reasons stated above, the respondents are directed to consider cases of the petitioners in accordance with the judgment and order dated 15.2.1999 passed by the Madhya Pradesh Administrative Tribunal, Bhopal Bench. The petitioners are entitled to the same relief with all consequential benefits of promotion etc. on the post according to their seniority, pursuant to the order dated 15.2.1999 passed by the Madhya Pradesh Administrative Tribunal on the higher post w.e.f. the same date when juniors of the petitioners were given the promotion and other consequential benefits.

8. In view of the foregoing, the writ petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu